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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/432,904	11/02/1999	CESAR Z. LINA	1001.1012	1761

30159 7590 10/29/2002

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EXAMINER

DEMILLE, DANTON D

ART UNIT	PAPER NUMBER
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3764

DATE MAILED: 10/29/2002

16

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/432,904

Applicant(s)

LINA, CESAR Z.

Examiner

Danton DeMille

Art Unit

3764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 May 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION*****Claim Rejections - 35 USC § 103***

1. **Claims 1-8 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kartheus et al. in view of Dye.** Kartheus teaches interior and vapor permeable exterior fabric sheets 14 that encompass an inflatable bladder 13. While Kartheus doesn't get into the details of the fabric sheets 14, Dye teaches the outer sheet is most preferably stiffer and inelastic relative to the inner film, thereby permitting the inner layer to conform appreciably better to the shape of the leg and remain relatively flat upon inflation while the inner film inflates. Such is well known to the artisan of ordinary skill to prevent the outer layer from expanding outwardly thereby diminishing the effect of the expanding inflation bladder. It would have been obvious to one of ordinary skill in the art to modify Kartheus to use an outer sheet having stiffer, inelastic material relative to the inner layer as taught by Dye so that the bladders will expand inwardly toward the foot maximizing the effect of the expanding bladder. Regarding claims 2-7, Dye teaches the bladder is formed from sealing peripheries between the two layers. Such would have been an obvious provision in Kartheus to reduce the amount of materials used.

2. **Claims 9-12, 14-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 8 above, and further in view of Lowman.** Kartheus is not restricted the exact configuration of wrap shown in the drawings. The wrap can be configured to accommodate any specific application. Lowman teaches an obvious equivalent alternative shape for the wrap. It would have been obvious to one of ordinary skill in the art to further modify Kartheus to shape the wrap as taught by Lowman with a second tab generally perpendicular to

the first tab for the specific application. The Lowman shape also reduces the amount of material used of only the arch is intended to be treated.

***Response to Arguments***

3. Applicant's arguments with respect to claims 1-20 are considered but are moot in view of the new ground(s) of rejection.

4. Kartheus teaches a plurality of inflatable bladders between the inner and outer fabric layers 14 however, as taught by Dye the same plurality of inflatable bladders can be formed by sealing an innermost flexible fluid-impervious layer 22 to the outer inelastic sheet 14. Kartheus' invention is the unique valves associated with each tube supplying each bladder. Dye teaches the same arrangement using plural tubes for each bladder. Kartheus is more concerned with the details of the manner of inflating the bladders. Dye is more concerned with the details of the wrap structure. Dye merely teaches the details of how to construct the wrap that Kartheus lacks.

***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

6. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 3764

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

ddd

18 October, 2002

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